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HON'BLE SRI JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.22782 OF 1995

DATE:19.12.2006

Between:

Gudepu Balaiah

..... PETITIONER

AND

M/s. Singareni Collieries Co. Ltd.,
Rep. By its General Manager,
RG-IV Area, Godavarikhani, Karimnagar District
& another.

.....RESPONDENTS

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HON'BLE SRI JUSTICE A. GOPAL REDDY

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W.P. No.22782 OF 1995

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ORDER:

The petitioner was initially appointed as Badli Filler in the

respondent-Company on 1.12.1984 and was subsequently observed as a Coal Filler. He was drafted as General Mazdoor with effect from 1.3.1993. He was working in Blasting Gallery-II Panel as and when required. When Blasting Gallery Panel was introduced at No.10 incline, applications were invited for the post of Drill Operators. The petitioner applied for the said post and attended to the interview that was held on 6.6.1993 along with other applicants. As he was not selected for the post of Drill Operator, he filed the present writ petition for issuing a Mandamus declaring the action of the respondent-Company in not promoting him to the post of Jumbo Drill Operator along with other similarly situated persons, as arbitrary and illegal.

It is alleged that by office order dated 17.7.1994 he was asked to undergo training for Jumbo Drill Operator and he accordingly underwent the training in Jumbo Drilling Mining works in Blasting Collieries method which was conducted by Charbonneges Defrance International. It is stated that even prior to that training, he was associated with Jumbo Drilling and after the training he was asked to discharge the duties of Jumbo Drill Operator as there was vacancy of permanent Drill Operator. While so, by an office order dated 30.7.1995, the first respondent, ignoring the case of the petitioner, promoted four other workmen viz. P.Venkataiah, K. Bhoomaiah, J.Shanker and Banda Rajam, who have undergone training along with the petitioner as Jumbo Drill Operator from 1.3.1995, which, according to the petitioner, is arbitrary and discriminatory.

The respondents filed a counter affidavit stating that the respondent-Company proposed to impart 'Change of Job Training' to some employees to utilize their services as Drill Operators as and when required in place of the vacancies of leave, sick and absenteeism of permanent Drill Operators. On the representation made by the local representatives and on their assurance, the petitioner was considered along with others for imparting 'Change of Job Training' in July, 1994 for utilizing his services as Drill Operator as and when required. Mere imparting 'Change of Job Training' will not

give right for promotion. The selection is subject to availability of vacancies and promotion will be considered on the basis of the work performance, skill, attendance, conduct and test and interview. Further, it is stated that acting musters would also be taken as a factor for selection. The attendance of the petitioner was poor and he did not have a good number of acting musters and on the other hand, the other promotees have more acting musters. A list of number of acting musters secured by the petitioner and the promotees, was given in the counter and it is extracted below:

Name	Actual Musters in			Acting Musters from
	1992	1993	1994	August, 1994 to May, 1995
P. Venkataiah	280	302	291	236
K. Bhoomaiah	246	295	271	228
J. Shankar	296	293	292	230
Banda Rajam	276	296	312	263
G. Balaiah (Petitioner)	138	211	154	084

The above chart discloses that for the period from August, 1994 to May, 1995 P. Venkataiah earned acting musters 236; K. Bhoomaiah 228; J. Shankar 230; and Banda Rajam 263. Whereas, for the same period, the acting musters in respect of the petitioner are only 84. Similarly, for the years, 1992, 1993 and 1994, the above four persons have secured more acting musters than the musters secured by the petitioner. The petitioner has not filed any reply denying the above facts.

From the above chart, it is clear that the petitioner has not secured the required number of acting musters to his credit and whereas, the other four persons, who have been promoted to the post of Drill Operator, have secured more number of musters. In the counter the respondent-Company categorically stated that apart from conduct, test, interview etc. acting musters are also taken as a factor for selection to the post of Drill Operator. Therefore, the petitioner cannot have any grievance about his non-selection to the post of Drill Operator.

The Writ Petition fails and is accordingly dismissed. No

costs.

19th DECEMBER, 2006.
Tsr

A. GOPAL REDDY, J